

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------------|---|----------|
| ELISE MURPHY, |) | |
| |) | |
| Plaintiff, |) | 8:12CV77 |
| |) | |
| vs. |) | ORDER |
| |) | |
| MUTUAL OF OMAHA INSURANCE |) | |
| COMPANY and |) | |
| CORRECT CARE SOLUTIONS, LLC, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court *sua sponte*, and pursuant to [NECivR 41.2](#), which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on February 22, 2012. **See** [Filing No. 1](#). The plaintiff sought and received summonses on June 6, 2012. **See** Filing Nos. 4-7. However, there is no evidence the summonses were served. The deadline for service of process expired on or about June 21, 2012. The defendants have not made an appearance. It remains the plaintiff's duty to go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed against the defendants. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on July 13, 2012**, to file evidence of service or show cause why this case should not be dismissed for failure to prosecute the defendants.

Dated this 29th day of June, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge